



EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

Matthew A. Beaton, Secretary
Grant Announcement

Request for Responses (RFR) ENV 15 DCS 10
Posting Date: March 26, 2015

Conservation Assistance for Small Communities Grant
FY 2015/16

1. GRANT OPPORTUNITY SUMMARY:

A. PROPOSALS SOUGHT FOR: Financial assistance to small municipalities (6,000 or fewer residents) to produce an Open Space and Recreation Plan (OSRP), or to complete another plan to facilitate land conservation, and/or to prepare an appraisal of land, as required to apply for the Local Acquisitions for Natural Diversity (LAND), Parkland Acquisitions and Renovations for Communities (PARC), Landscape Partnership, Conservation Partnership, or Drinking Water Supply Protection (DWSP) grant programs.

B. OVERVIEW AND GOALS: The Executive Office of Energy and Environmental Affairs (EEA) protects, conserves, and restores the natural resources of the Commonwealth. This Program assists municipalities with populations below 6,000 in meeting the requirements for eligibility for the EEA grant programs, which provide funding for acquisition of land for conservation and recreation. Funding will be provided to all eligible municipalities on a first-come, first-served basis.

This Program is a component of the Baker Administration's goal of enhancing outdoor recreation opportunities, conserving natural resources and open space, and addressing climate change. It is part of a longstanding tradition of protecting the Commonwealth's rich natural heritage for the generations to come.

C. ELIGIBLE PROJECTS:

1. **An appraisal of the value of the fee simple interest or a conservation restriction (CR)**, of land suitable for conservation or recreation. In order to be eligible for funding, the applicant municipality must also apply to the FY16 LAND, PARC, DWSP, or Landscape Partnership grant program to acquire the appraised property, or, a qualified 501(c)(3) non-profit may apply to the FY16 Conservation Partnership grant to acquire the appraised property if the applicant municipality will hold an interest.
2. **Preparation of an Open Space and Recreation Plan (OSRP)**, including the updating of an expired plan. In order to be eligible for OSRP funding, the applicant municipality must also either:
 - 1) apply to the FY16 LAND, PARC, DWSP, or Landscape Partnership grant program, or the FY15 Off Highway Vehicle (OHV) Riding Area grant program, or,
 - 2) develop Open Space Design (OSD)/Natural Resources Preservation Zoning (NRPZ) bylaws (funding available through this grant, see 3 below).
3. **Consultation and technical assistance for development of municipal OSD or NRPZ bylaws.** Bylaws must meet the minimum criteria described in this grant, and their adoption must be the subject of a town meeting vote. See attachment on basic design elements. In order to be eligible for OSD/NRPZ funding, the applicant municipality must also either:
 - 1) apply to the FY16 LAND, PARC, DWSP, or Landscape Partnership grant program, or the FY15 Off Highway Vehicle (OHV) Riding Area grant program, or,
 - 2) complete an OSRP, where the municipality either has none, or the existing plan expired on or before

December 31, 2015.

4. **Other planning to facilitate conservation projects.** Other plans to promote conservation may be funded at EEA's discretion. If a plan is property-specific, the property must be the subject of an eligible application to one of the aforementioned EEA grant programs.
5. **A combination of these.**

See Section 2B.

D. ELIGIBLE APPLICANTS: Conservation commissions of municipalities with a 2010 population of less than 6,000 people. See Section 2A. Eligible communities are listed in an attachment.

E. APPLICATION DEADLINE: Rolling, no later than Thursday, April 30, 2015. Funding is available on a first-come, first-served basis; applications will be accepted on a rolling basis until all allocated funds have been awarded. See Section 4.

F. FUNDING AVAILABILITY:

This grant provides an 80% reimbursement for approved project expenses in the following amounts:

Appraisal:	up to \$ 3,000
OSRP:	up to \$ 8,000
OSD/NRPZ development:	up to \$ 8,000
Other plans:	up to \$ 5,000

See Section 2C.

G. BUDGET REQUIREMENT: Applicants selected to receive grant funding must show municipal expenditures for the total project cost, upon which reimbursement under this program will be based. Community Preservation Act (CPA) payments may be paired with this grant. Municipalities that use CPA funds are responsible for ensuring compliance with CPA requirements, and are encouraged to also consult the LAND, PARC, DWSP, or Landscape Partnership grant RFRs. See Section 2D.

H. TOTAL ANTICIPATED DURATION OF CONTRACT(S): The contract period will begin on the date EEA executes the contract. Contracts issued pursuant to this RFR must expend costs associated with the approved project by:

Appraisal(s):	June 30, 2015
OSRP:	June 30, 2015 and/or June 30, 2016
OSD/NRPZ development:	June 30, 2015 and/or June 30, 2016
Other plans:	June 30, 2015 and/or June 30, 2016

See section 2E and F.

I. REGULATIONS, STATUTES, OR AUTHORIZATION GOVERNING THIS GRANT PROGRAM: This RFR is issued according to M.G.L. c. 132A, §11 and 301 CMR 5.00, Chapter 312 of the Acts of 2008, and Chapter 286 of the Acts of 2014. All applicants to whom grant assistance is provided to prepare an appraisal must also submit a complete and eligible application to the FY 16 LAND, PARC, DWSP, or Landscape Partnership grant program for funding to acquire the appraised property for conservation and/or recreation, or an eligible 501(c)(3) non-profit partnering with the municipality must apply to the FY16 Conservation Partnership grant program to acquire the appraised property, and in which the applicant municipality commits to hold an interest. All applicants to whom grant assistance is provided to prepare an OSRP must submit an eligible application to the FY16 LAND, PARC, DWSP, Landscape Partnership, or FY15 OHV Riding Area grant program, or, an eligible non-profit may apply to the FY16 Conservation Partnership grant to acquire a property in which the applicant municipality commits to hold an interest, or, the municipality may pursue and vote upon the adoption of OSD/NRPZ bylaws at town meeting. All applicants to whom funding is provided for other conservation planning that is specific to a particular property or properties must apply to the FY16 round of one of the aforementioned EEA grant programs. Awarded municipalities will not be reimbursed for work done under the contract unless and until these criteria are not met. Land acquired with funding assistance from any EEA grant will become protected open space under Article 97 of

the Amendments to the Constitution of the Commonwealth of Massachusetts, dedicated to conservation use in accordance with M.G.L. c. 40, §8c, or M.G.L. c. 45, §3 or 14.

J. CONTACT INFORMATION: Celia Riechel
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114
617-626-1187
celia.riechel@state.ma.us

2. Performance and Contract Specifications

A. ELIGIBLE PROJECT(S)/SCOPE(S) OF WORK: EEA seeks to further the preservation of suitable open space and recreation land within the Commonwealth. Funding is offered through this grant program for several different project types; a municipality may seek funding for one or more projects. Only work conducted during the municipality's contract period (after grant application and award) is eligible for funding.

Project types:

1. Real property appraisal: Funding for appraisals required for application to the LAND, PARC, DWSP, Landscape Partnership, or Conservation Partnership grant programs. Applicants should get the number and type of appraisal required, as described in the respective grant Request for Responses (RFR). Generally, this will be one certified appraisal report, however, properties with very low estimated values may be able to complete a less rigorous analysis. Applicants should consult the RFR for the specific grant program for which they are preparing the appraisal for detailed requirements. All appraisals must be prepared in accordance with the most recent version of the EEA Specifications for Analytical Narrative Appraisal Reports. The EEA appraisal policy and Specifications are available at www.mass.gov/eea/dcs.

To receive funding for an appraisal, the municipality must do one of the following:

- a. Apply to the FY16 LAND, PARC, DWSP, or Landscape Partnership grant program, to acquire the property appraised, or, an eligible 501(c)(3) non-profit organization may apply to acquire the property appraised provided the municipality commits to hold an interest.
Note: The PARC grant reserves a portion of its funding for Small Towns (classified for PARC grant purposes as those with 35,000 or fewer residents); applications from such communities will compete only against applications from other PARC-designated Small Towns.

The Property (for which appraisal funding is sought) must:

- a. **Not be permanently protected.** This includes properties protected under Article 97 either through an EEA grant program, a Conservation Restriction (CR), or Agricultural Preservation Restriction (APR), or other land protected under Article 97. Lands enrolled in Chapter 61, 61A or 61B are eligible to receive funding;
- b. **Not be owned by the municipality.** Appraisals for land already owned by the applicant municipality are not eligible for reimbursement; and
- c. **Not be in a designated Priority Development Area**, as shown on the South Coast Rail Corridor Plan, I-495/MetroWest Development Compact Plan, Central Massachusetts Land Use Priority Plan, Merrimack Valley Regional Plan, Metro North Land Use Priority Plan, or other regional plan as they become available (if applicable). See <http://www.mass.gov/hed/economic/eohed/pro/planning/>.

Previously developed land and brownfields: Developed, previously developed, or brownfield sites that the applicant intends to restore are eligible for acquisition under the EEA grant programs, and therefore may receive funding to be appraised under this RFR. To be considered, the applicant must follow the requirements for such projects outlined in the LAND or PARC grant RFR.

'Brownfield' is defined as a property where real or perceived environmental contamination complicates redevelopment or reuse efforts. These properties are typically abandoned or underutilized commercial or industrial sites, though other land uses may also be brownfields. In many cases, these sites have been reported to the Massachusetts Department of Environmental Protection (MassDEP) because contamination has been found (to find out, go to <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>). In other cases, sites may not have been assessed due to insufficient resources or fear of liability for possible contaminants.

2. Preparation of an Open Space and Recreation Plan (OSRP): Preparation of an OSRP may include creating a new plan, updating an expired plan, or updating a plan that will expire by December 31, 2015. Information on OSRP requirements is available here: <http://www.mass.gov/eea/docs/eea/dcs/osplanreq08.pdf>. Consult the OSRP Workbook at <http://www.mass.gov/eea/docs/eea/dcs/osrp-workbook08.pdf>. Contact Melissa Cryan with specific questions about the OSRP process at 617-626-1171 or melissa.cryan@state.ma.us.

To receive funding for an OSRP, the municipality must do one of the following:

- a. Apply to the FY16 LAND, PARC, DWSP, or Landscape Partnership grant program, or the FY15 Off Highway Vehicle (OHV) Riding Area grant program, or,
- b. Develop Open Space Design (OSD)/Natural Resources Preservation Zoning (NRPZ) bylaw(s), and vote on whether to adopt them at town meeting (funding is available through this grant; see number 3 below).

3. Development of municipal Open Space Design (OSD) or Natural Resources Protection Zoning (NRPZ) bylaws. Funding will cover consultation and technical assistance for the development of OSD or NRPZ bylaws. A town meeting vote must be taken on whether to adopt the bylaw(s), however, funding is not contingent upon an affirmative vote to adopt.

To receive funding for development of OSD/NRPZ bylaws, the bylaws must be formula-based; require at least 65-90% of the area of a parcel be kept undeveloped; and be applied to all currently undeveloped land outside of an identified higher-density town center. See Attachment D for detailed description of zoning criteria. Additional resources, including background and model bylaws, available at http://www.mass.gov/envir/smart_growth_toolkit/.

4. Preparation of a plan to facilitate a conservation project: Preparation of a plan or plans to facilitate land conservation projects in the applicant town. Plans may include, but are not limited to, mapping of locally-important agricultural or forestry soils, and site assessments to determine the most environmentally important portions of a property that will be the subject of an application to an FY16 EEA grant. Subject to EEA approval.

B. ELIGIBLE APPLICANTS: This RFR is open to Massachusetts municipalities, which must:

1. Have a population below 6,000 people. Population will be determined using the 2010 Census data available at <http://www.sec.state.ma.us/census/>. A list of eligible communities is available as a separate attachment.
2. Act and apply through the conservation commission for all projects in support of LAND and Conservation Partnership grants, through the parks and recreation commission for projects in support of a PARC grant application, through the board of water commissioners for projects in support of the DWSP grant, and

through the selectboard or town administrator for projects in support of planning or the OHV Riding Area grant. Applications in support of a Landscape Partnership grant should be filed by the town entity that will be a partner in the Landscape Partnership grant application.

3. Have no unresolved protected open space conversion issues with EEA (see EEA Article 97 Disposition Policy at: <http://www.env.state.ma.us/mepa/article97policy.aspx>).

C. FUNDING AVAILABILITY, BUDGETING GUIDELINES & ALLOWABLE EXPENDITURES:

This is a reimbursement program. Reimbursements will be based upon submitted proof of municipal expenditure, not to exceed 80% of the approved project cost. Maximum funding available for an appraisal is \$3,000, available in FY15 only. Multiple appraisals for the same property interest will not be funded unless required by an EEA grant program, and must be approved by EEA. Maximum funding for an OSRP or development of Open Space Design/Natural Resources Protection Zoning bylaws is \$8,000, available in FY15 and/or FY16. Maximum funding for other types of planning is \$5,000. Expenditures must be contracted with outside vendors; in-kind services or municipal employee wages or salaries will not be reimbursed. **Municipalities must have an executed state contract prior to commencement of work.**

All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, a contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension if available funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

D. BUDGET REQUIREMENT: Municipalities selected to receive grant funding must show expenditure of municipal funds. They will be required to submit documentation of municipal expenditure for total approved project cost, as shown by canceled municipal checks, wire transfer statements, and a statement from the municipal treasurer.

E. PROJECT TERMS:

Expenditures must not predate contract execution

Appraisals will be funded with FY15 contracts and must be completed on or before June 30, 2015. Only work done while under contract and on or before June 30, 2015 will be reimbursed. To receive reimbursement payment for an appraisal under this RFR, an eligible application to acquire interest(s) in the property appraised must be submitted to the FY16 grant round of one of the following EEA grants: LAND, PARC, DWSP, or Landscape Partnership, or must agree to hold on an interest on the property, which must be the subject of an eligible FY16 Conservation Partnership grant application. The application must include the appraisal prepared with the use of these grant funds.

OSRPs will be funded with a contract covering FY15, FY16, or both years with a portion of funds available in each. Work allocated for FY15 must be completed on or before June 30, 2015. Work allocated for FY16 must be completed between July 1, 2015 and June 30, 2016. A draft OSRP must be submitted to EEA no later than the application deadline of the EEA grant program to which the municipality or partner non-profit will apply. A draft OSRP must at minimum include a completed public outreach process, as described on page 12 of the OSRP Workbook. The draft plan must fully describe the public participation process, including how it was advertised, and summarize its findings.

For contracts including FY16, final OSRP must be completed and submitted to EEA for review no later than April 2, 2016. FY15-only contracts require final plan submission by June 30, 2015. Reimbursement payment for an OSRP under this RFR is contingent upon receipt by EEA of an eligible application to an EEA grant. Two year contracts will receive reimbursement in the first year for work completed to that point; however, final reimbursement in the second year will be contingent upon completion and final approval of the OSRP.

Other planning projects will be funded with a one or two year contract, as determined by EEA to be appropriate. Work allocated for FY15 must be completed on or before June 30, 2015. Work allocated for FY16 must be

completed between July 1, 2015 and June 30, 2016. The plan must be completed, and any other terms and conditions met, as determined by EEA and described in the scope of the contract, prior to reimbursement.

If awarded, all projects will be required to abide by the Standard Commonwealth of Massachusetts Terms and Conditions and the EEA Supplemental Terms and Conditions. In addition, all final contracts are subject to successful negotiation of a Final Scope of Services. EEA does not guarantee that any contracts may result from this RFR or that any particular funding level will be awarded. It is anticipated that projects could commence immediately upon EEA's decision. Contracts may be extended or otherwise amended at the sole discretion of EEA.

F. ANTICIPATED DURATION OF CONTRACTS: All contracts for appraisals only will end on or before June 30, 2015; all contracts for OSRPs and other plans will end on or before June 30, 2015 or June 30, 2016.

G. DELIVERABLES, OWNERSHIP, AND CREDIT DUE: Appraisals funded through this RFR must be used to prepare an application to an FY16 LAND, PARC, DWSP, Landscape Partnership, or Conservation Partnership grant. OSRPs must be completed and receive final DCS approval prior to the final OSRP reimbursement payment. Other plans funded through this program must be completed prior to reimbursement.

H. REPORTING: Applicants receiving funding through this grant to prepare an OSRP must submit a draft plan by the application deadline of the EEA grant program to which they plan to apply, or in which they will be a partner. No interim reports are required.

I. INVOICING: This is a reimbursement program. Applicants selected to receive funding will be required to submit a State Standard Contract prior to commencing work. A reimbursement billing form, which will be sent to Applicants with their contract, must be submitted with documentation of payment.

3. Instructions for Application Submission

A. EVALUATION CRITERIA: This is a non-competitive grant; all eligible applications will receive funding on a rolling basis, to the extent that funds are available. Funding is not contingent upon being selected to receive a LAND, PARC, or other EEA grant award. EEA reserves the right to question applicants in order to clarify a proposal prior to making a final award.

B. APPLICATION SUBMISSION INSTRUCTIONS: Applications must be received in hard copy by **Thursday, April 30, 2015**. Earlier submission is strongly encouraged. Any application received after the deadline will be rejected. Applications will not be accepted by fax or email. Submit application to:

Celia Riechel
RE: ENV 15 DCS 10 – Small Communities
Executive Office of Energy and Environmental Affairs
100 Cambridge Street – Suite 900
Boston, MA 02114

B. REQUIRED APPLICATION DOCUMENTS:

- ☐ Application form
- ☐ Letter from Town Manager or Chair of Selectmen authorizing the application and the Project Manager to represent the town in connection with this application
- ☐ Letter from non-profit 501(c)(3) organization eligible for the Conservation Partnership grant, affirming its intention to submit an FY16 application, in which the Town agrees to hold an interest (if applicable)
- ☐ Property map (if applicable)

The Application Form is provided as an attachment to this document.

C. DOCUMENTATION REQUIRED UPON APPROVAL FOR FUNDING (to get a contract):

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- Commonwealth Scope and Budget Form
- Completed Contractor Authorized Signatory Listing (both sides)

D. DOCUMENTATION REQUIRED FOR REIMBURSEMENT:

- **For appraisals:** Copy of appraiser's summary letter/estimation of value (typically the first 1-3 pages of the full appraisal).
- **For OSRP preparation:** Draft OSRP must be submitted by the application deadline for the EEA grant program to which the municipality will apply or be partner to. Completed OSRP submitted to EEA for final approval no later than **April 1, 2015**. Final OSRP must be approved by EEA.
- **For Open Space Design/Natural Resources Protection Zoning bylaw development:** A copy of the proposed warrant article must be sent to EEA for review. The municipality must vote on the adoption of the bylaw(s) at a town meeting. Approval of the bylaw(s) by voters is not required for reimbursement. A certified copy of the motion and the outcome of the vote must be sent to EEA. Other conditions as determined by EEA at the time of contracting.
- **For other types of conservation project planning:** Conditions as determined by EEA at the time of contracting. Planning must be completed prior to submission of a request for reimbursement.
- Receipt by EEA of eligible FY16 LAND, PARC, DWSP, Landscape Partnership or Conservation Partnership grant application, or FY15 OHV Riding Area grant application, according to the requirements previously described.
- Copy of the bill or invoice from the appraiser, OSRP preparer, and/or plan preparer.
- Copy of the cancelled municipal check(s) paying for the work.
- Statement by municipal treasurer attesting to payment for the work.

Respondents are encouraged to review the Commonwealth Standard Contract Form, Scope and Budget Form, and Contractor Authorized Signatory Listing prior to submission of a Response, available under the Forms & Terms tab of this Comm-PASS posting, or http://www.mass.gov/?pageID=osdmodulechunk&L=1&L0=Home&sid=Aosd&b=terminalcontent&f=osd_forms&csid=Aosd.

4. Deadlines and Procurement Calendar

A. RELEASE OF RFR: March 26, 2015

B. INFORMATION SESSION: No information sessions will be provided.

C. APPLICATION DUE DATE: Rolling acceptance, not later than **Thursday, April 30, 2015**.

D. ESTIMATED AWARD DATE: Funding selections are estimated to be announced within two weeks of a municipality's submission of a complete application, with contract negotiations to begin immediately thereafter.

E. ESTIMATED CONTRACT START DATE: Rolling. Notwithstanding any verbal representations by the parties, or an earlier start date listed in the Standard Contract Form, and only after an award is issued and a final scope of services has been negotiated, the effective start date of a contract shall be the latest of the following dates: the date the Standard Contract Form has been executed by an authorized signatory of the contractor and the procuring

department; the date of secretariat or other approval(s) required by law or regulation; or a later date specified in the Standard Contract Form.

5. Miscellaneous

A. TYPE OF PROCUREMENT: Grant

B. USE OF THIS PROCUREMENT BY SINGLE OR MULTIPLE DEPARTMENTS: This RFR is a single department procurement. All contracts awarded under this RFR will be utilized solely by EEA.

C. REQUEST FOR SINGLE OR MULTIPLE CONTRACTORS: This RFR will result in multiple contracts.

D. RFR DISTRIBUTION METHOD: This RFR has been distributed electronically using the CommBuys system. It is the responsibility of every Applicant to check CommBuys for any addenda or modifications to an RFR to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to Applicants who fail to check for amended RFRs and submit inadequate or incorrect responses. Potential Respondents are advised to check the “last change” field on the summary page of RFRs for which they intend to submit a response to ensure they have the most recent RFR files. The application and answers to questions will also be posted on the DCS website at www.mass.gov/eea/dcs.

Respondents may not alter RFR language or any RFR component files. Those submitting a proposal must respond in accordance to the RFR directions and complete only those sections that prompt a Respondent for a response. Modifications to the body of this RFR, specifications, terms and conditions, or which change the intent of this RFR are prohibited. Any unauthorized alterations will disqualify response.

E. LIST OF ATTACHMENTS:

- A. Application Form
- B. EEA appraisal report specifications
- C. Eligible applicant communities and 2010 population
- D. Natural Resources Protection Zoning/Open Space Residential Design – Basic Elements

The EEA Supplemental Terms and Conditions are hereby incorporated into this RFR by reference. EEA Supplemental Terms and Conditions are found under the Forms & Terms tab of this CommBuys posting